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ABSTRACT

This teaching guide outlines a nine week course on rights and responsibilities for use with junior and senior high school students in Wisconsin. The course consists of ten units and is intended to help students learn about the law, American justice, the Bill of Rights, freedom of religion, freedom of speech, freedom of the press, freedom to assemble, the right to bear arms, Wisconsin law, and criminal law. The major book resources on which the course is based are "Civil Liberties Today: Case Studies and the Law" (Houghton Mifflin): "Great Cases of the Supreme Court" (Houghton Mifflin): and "Project Inquiry Instructional Materials" (Wisconsin Bar Foundation). The major audiovisuals needed to teach the course are "About Law" (Channing L. Bete Co., Inc.): "Inquiry: The Justice Thing" (Educational Communications Board, Madison, WI): and "With Justice for All?" (EMC Corporation). Many other print and nonprint materials available from publishers are used in the course. These are also cited in the guide. Students analyze case studies, read and discuss books, play games, and view media. Questions for the teacher to ask are provided. The appendices which comprise the major portion of the publication contain student worksheets and tests.
(Author/RM)

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FREEDOMS - YOUR RIGHTS AND RESPONSIBILITIES

A High School Social Studies Course

Phillips High School

1977 - 1978

SP012316

FREEDOMS - YOUR RIGHTS AND RESPONSIBILITIES

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Teaching Outline

FREEDOMS - YOUR RIGHTS AND RESPONSIBILITIES

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Phillips, Wisconsin

INTRODUCTION

"Freedoms - Your Rights and Responsibilities" is a nine-week course taught for 90 minutes each day to juniors and seniors. It was first taught on an experimental basis in 1975-76 and grew from one section that year to 6 sections during the 1977-78 school year. Phillips High School is now developing a law-related sequence in which the "Freedoms" course will become a freshman requirement, to be followed by "Crime and Punishment", an upper level elective being developed during the 1978-79 school year. A course in "Personal Finances", which contains a good deal of law-related material, is being required during this year of all seniors as well.

Course Projects

A. Mandatory

Throughout the course, students are required to glean from the newspapers articles related to the topics being studied in class and to compile a notebook of the articles with summaries of their content. These notebooks are checked periodically. Note: Some students may not receive papers at home, and it could be necessary to collect them from other teachers and allow time for students to seek out the articles themselves.

B. Optional

1. For a grade of C: Write a report identifying at least two civil rights and explaining them in terms of situations in which they were challenged.

2. For a grade of B:

   a. Item 1, and
   b. Compile at least 25 quotes on freedom and who said them, then write an essay relating them and stating your own opinion on them.

3. For a grade of A:

   a. Item 1,
   b. Item 2, and
   c. Attend at least two community meetings and report in writing on the

business covered and your reflections on the proceedings. OR:

d. Investigate a specific issue or procedure and report on it in writing (such as adoption of a child, unemployment insurance, etc.).

Major Resources

A. Books

1. Donald Parker et al, Civil Liberties Today; Case Studies and the Law, Houghton Mifflin (Boston, 1974).

2. Robert Ratcliffe, ed., Great Cases of the Supreme Court, Houghton Mifflin (Boston, 1975).

3. Michael Scheurich, ed., Project Inquiry Instructional Materials, Wisconsin Bar Foundation (Madison, Wisconsin, 1974, 2 vols., $8).

B. Audio-visual Materials

1. About Law, Channing L. Bete Co., Inc. (45 Federal Street, Greenfield, Mass. 01301, 1967, $85). Scriptographic multimedia unit, including 15 transparencies, vinyl binder, teacher's guide and lecture notes, student learning units.

2. Inquiry: The Justice Thing, Educational Communications Board (Madison, Wisconsin, 1974, $32.25 for 15 cassettes-one side only, $18 for 8 cassettes-two sides). (Available through Wisconsin Bar Foundation, 402 West Wilson, Madison, WI 53703).

3. "...With Justice for All?", EMC Corporation (180 East Sixth Street, St. Paul, Minnesota, 1976, $79). 4 filmstrip/cassettes: "What is American Justice?", "Does the System Work?", "Decisions Affect Everyone", and, "Who Decides?"; plus teacher's guide and ditto masters.

COURSE OUTLINE

Pre-test (See Appendix 1)

I. Introduction into Law

A. Mind Walk Exercises - (Appendix 2)

Objective:

The student will be able to recognize five areas in the exercise where law applies to everyone's life.

Methods:

1. Give exercise to groups of 4 or 5 and have them try to recognize areas to which law applies.

2. Read aloud the exercise and have students raise their hands when they feel they have heard an area where law affects our daily lives.

B. Exercise "No Vehicles in the Park" - (Appendix 3)

Objective:

The student will be able to distinguish between interpretation, letter and intent of the law.

Methods:

1. Use small groups of 4 or 5.

2. Read aloud through statement "No Vehicles in the Park", then ask students if they see any difficulty in the law. Provoke discussion by suggesting the various situations listed.

C. Exercise "The Cave" - (Appendix 4)

Objective:

Given a case study. the student will be able to apply the intent of the law in interpretation.

Method:

1. The student will be given a case study to apply and/or analyze as a small group and come up with a decision.

D. Transparency #1 - What is Law? (About Law, Channing L. Bete Co.)

Objectives:

1. The student will be able to define law.
2. The student will be able to list the 3 types of law.
3. The student will be able to define consensus.

Method:

Teacher presentation and discussion

E. Transparency #2 - Why Have Laws?

Objectives:

1. The student will be able to list three reasons we have laws.
2. The student will be able to distinguish among the roles of police, courts, and lawyers.

Method:

Teacher presentation and discussion

F. Transparency #3 - Marriage Laws
Transparency #4 - Parent and Child Laws

Objectives:

1. The student will be able to list two general laws that most states have concerning legal marriages.
2. The student will list two of the "legal rights" of the father.
3. The student will list two "legal rights" of the wife.

Method:

Teacher presentation and discussion

G. Transparency #5 - Divorce Laws

Objectives:

1. The student will be able to state why a marriage may be annulled.
2. The student will be able to state that 1/4 of all marriages end up in divorce.

Method:

Teacher presentation and discussion

H. Transparency #6 - Contracts

Objective:

The student will be able to define "contract."

Method:

Teacher presentation and discussion

I. Transparency #9 - Wills

Objectives:

1. The student will be able to define "will."

2. The student will be able to write what happens if a person does not have a will.

Method:

Teacher presentation and discussion

J. Transparency #10 - Civil Law
Transparency #11 - Some Types of Injuries Covered by Civil Law

Objective:

The student will be able to define "civil law", "defendant," and "plaintiff."

Method:

Teacher presentation and discussion

K. Transparency #12 - Criminal Law
Transparencies #13 & #14 - If a Person is Arrested (1 and 2)

Objectives:

1. The student will be able to define "criminal law."

2. The student will be able to list three rights given when you are arrested.

Method:

Teacher presentation and discussion

L. Transparency #15 - Everyone Should Have a Good Lawyer

Objective:

The student will list three occasions when one needs a lawyer.

Method:

Teacher presentation and discussion

II. American Justice

Note: This section is built largely around the EMC kit, "...With Justice for All?", cited above.

A. What is American Justice?

Objectives:

1. The student should be able to list three features that are a part of American justice today:

   a. Adversary system
   b. Structure (jury, judge, etc.)
   c. Due process

2. The student should be able to state the source of authority for the contemporary judicial system.

3. The student should be able to identify the rights of each individual guaranteed under the Constitution and Bill of Rights.

4. The student should be able to give a personal opinion about the effectiveness of American judicial guarantees based on what was envisioned by the writers of the Constitution.

Methods:

1. Distribute and go over "Some Terms to Know" (EMC kit: see Appendix 5).

2. Assign small groups to list 5 rights guaranteed in the Constitution, 5 guaranteed in the Bill of Rights, and 5 not guaranteed at all.

3. Show Filmstrip #1, "What is American Justice?" (EMC kit).

4. Assign as reading the editorial, "For Whom the Bell Tolls", The Catholic Herald Citizen (Superior edition), July 12, 1975. (Appendix 6).

5. Assign small groups to list:

   a. Three situations in which rights are being protected;

b. Three situations in which rights are being violated.

6. Evaluation of objectives (EMC kit Quiz #1: see Appendix 7)

B. Does the American System Work?

Objectives:

1. The student should be able to outline the federal judicial system and the function of each of its parts.

2. The student should be able to explain the process of making appeals and cite an example of how it works.

3. The student should be able to analyze the concept of judicial review and its importance to the nation.

4. The student should be able to state the three problems that seem most important to him/her in making the judicial system work.

Methods:

1. Show Filmstrip #2, "Does the System Work?" (EMC kit).

2. Distribute and discuss "The Federal Courts - Some Statistics" (EMC kit: see Appendix 8).

3. Evaluation of objectives (EMC kit Quiz #2: see Appendix 9).

C. Decisions Affect Everyone

Objectives:

1. The student should be able to compare and contrast the cases in terms of how each reflects decision-making that causes change and affects society.

2. The student should be able to express a personal opinion about what the major role of the court should be in changing history, in changing earlier opinions, and in acting in the public interest.

Methods:

1. Discuss: "How can the courts change in our society?" (cite recent examples.) "Has it made life better or worse?"

2. Show Filmstrip #3, "Decisions Affect Everyone" (EMC kit).

3. Discuss the letter to the editor regarding Reserve Mining Company, p. 59 of EMC kit teacher's guide.

4. Evaluation of objectives (EMC kit Quiz #3: see Appendix 10).

D. Summary: the need for justice, how its definition changes, why a judicial system exists, how justice actually works.

Method:

Cassette - "To Every Man His Due" (Inquiry: The Justice Thing, #1).

Note: Teacher should stop the tape throughout to ask opinion questions.

III. Introduction into the Bill of Rights

A. Transparencies

Objective:

The student will be able to list six of his basic rights under the Bill of Rights.

Method:

Teacher presentation and discussion of transparencies on text and main points of Bill of Rights.

B. Foreword by Judge Harold R. Medina, "Why We Need to Know Our Bill of Rights," Liberty Under Law; Case Studies of the Basic Principles of the Bill of Rights, Xerox Corporation, 1975.

Objective:

Given this editorial the student will be able to write a short essay answering the above question.

IV. Freedom of Religion

A. Objective:

The student will be able to apply this right to the following issues:

1. Separation of church and state
2. Tax exemption for churches
3. Nativity scenes in schools
4. Prayer in schools
5. Use of drugs, snakes, etc., in religious rites
6. Compulsory school attendance
7. Religious intolerance
8. Saluting the flag and the pledge of allegiance in schools
9. What constitutes a church

B. Methods:

1. Show filmstrip, "Freedom of Religion" (The Fight for Our Rights, Set One, Schloat Productions, Inc.).

2. Assign and discuss the following case studies:

Note: Divide class into groups of three and assign each a case study from the following. Each group should reach a decision and report out to the class, with the teacher guiding discussion to a comparison of the cases.

a. Civil Liberties Today, Chapter 5
b. People vs. Woody (See Appendix 11)
c. Wisconsin vs. Yoder (See Appendix 12)
d. Great Cases of the Supreme Court, pp. 17-19

3. Cassette, "Freedom of Religion" (Inquiry: The Justice Thing, #8)

V. Freedom of Speech

A. Objectives:

1. Given a case study, and after exploring the limits of free speech, the student will be able to write an opinion on the study and hopefully arrive at a value judgment allowing the freedom to express various points of view.

2. The student will be able to write a definition of symbolic speech, using one example.

B. Methods:

1. Show filmstrip, "Freedom of Speech" (The Fight for Our Rights, Set Two, Schloat Productions, Inc.).

2. Assign and discuss the case studies in the following.

a. Civil Liberties Today, Chapter 6
b. Project Inquiry Instructional Materials, Volume 2, pp. 148-154
c. Great Cases of the Supreme Court, Chapter 2

3. Cassette, "Freedom of Speech" (Inquiry: The Justice Thing, #6).

4. Filmstrip; The History of Dissent. (New York Times)

5. Filmstrip; What's Happened to Patriotism? (New York Times)

6. Tape-George Lincoln Rockwell, American Nazi Party.

VI. Freedom of the Press

A. Objectives:

1. Given case studies, the student will be able to:

a. justify freedom of the press in a written statement using an example.
b. list a permissible restraint and limit on the press giving an example.
c. list one abuse and one advantage of this right.

B. Methods:

1. Filmstrips

a. "Freedom of the Press" (The Fight for Our Rights, Set One, Schloat Productions, Inc.)
b. Mass Media; Impact on a Nation, Parts 1 & 2 (NY Times Company)
c. Mass Media; Their Role in Democracy (NY Times Company)

2. Cassette, "The Right to Know" (Inquiry: The Justice Thing, #7).

3. Video Tape, "Free Press - Fair Trial - Is the First Amendment Unconstitutional?"

4. Case Studies

a. Civil Liberties Today, Chapter 6
b. Great Cases of the Supreme Court, Chapter 2
c. Project Inquiry Instructional Materials, Volume 2, pp. 158-161

5. Hustler magazine newspaper article: Lewis H. Lapham, "Slouching toward Barbarism," The Milwaukee Journal Insight Magazine, 4-17.

VII. Freedom to Assemble

A. Objective:

Given two case studies, the student will be able to distinguish between a legal demonstration and an illegal one.

B. Methods:

1. Filmstrip, "The Right of Peaceful Assembly" (The Fight for Our Rights, Set One, Schloat Productions, Inc.).

2. Cassette, "Where Are You Going With That Hatchet in Your Hand?" (Inquiry: The Justice Thing, #12).

3. Case Studies

a. Civil Liberties Today, Chapter 6
b. Great Cases of the Supreme Court, Chapter 2
c. Project Inquiry Instructional Materials, Volume 2, p. 151. Edwards v. South Carolina (1963); Adderly v. Florida (1966)

VIII. Second Amendment - The Right to Bear Arms

A. Objectives:

1. The student will be able to write his opinion as to whether or not the gun control legislation passed and proposed is against the second amendment.

2. The student will list two alternatives to gun control.

B. Methods:

1. Filmstrip, "The Right to Bear Arms" (The Fight for Our Rights, Set Two, Schloat Productions, Inc.).

2. Discussion of survey by the Second Amendment Foundation (Appendix 13).

IX. Introduction into Wisconsin Law

A. Objectives:

1. The student will be able to locate laws in the Wisconsin Statute books according to number, offense, etc.

2. The student will be able to write down offenses and punishments for everyday crimes like contributing to the delinquency of a minor, theft, rape, etc.

3. The student will be able to write down value judgments on drunk driving and fatal accidents.

4. The student will be able to interpret criminal statutes.

5. The student will be able to write down paternity responsibilities to an illegitimate child.

B. Methods:

1. Worksheet: Give out the sheet in Appendix 14. Have students make a chart with columns labeled "legal", "illegal", "fine" and "punishment". Divide the class into groups of 3 and give each group 4-5 of the items to research. Compare their results with reality. (This assignment takes 2 1/2 - 3 days.)

2. Open book reading test: Criminal Procedure (Appendix 15)

3. Use of the statute books: Interpreting the Criminal Statutes (Appendix 16)

4. Resource person: social worker who handles paternity cases.

5. Criminal complaint in a paternity case (Appendix 15).

6. Cassette, "When I Grow Up" (Inquiry: The Justice Thing, #10).

X. Criminal Law

A. Law Enforcement

1. Objectives:

a. The student will be able to list the steps from the investigation of a crime to the appeal.

b. The student will be able to list five different types of complaints a police officer has to respond to and give an opinion as to the type that he most dislikes.

c. Given a simulated complaint the student will proceed through it in a similar manner as a police officer would.

d. The student will be able to write a description of a charging session between the district attorney and the investigating officer.

e. The student will be able to define plea bargaining and, given statistics, will be able to give an opinion as to the worthiness of plea bargaining.

2. Methods:

a. Attitude survey. (Appendix 18)

b. Police Patrol simulation: attitude survey and role-playing

c. Simulated plea bargaining session and charging session between the district attorney and the police officer (with the help of local resource people).

d. Examples of Miranda warning, search warrants, subpoenas, etc. (See Appendix 19 for examples).

e. Newspaper clippings on Miranda decisions.

B. Search & Seizure

1. Objectives:

a. The student will be able to relate the colonial background behind the Fourth Amendment.

b. The student will be able to define probable cause.

c. The student will be able to define stop and frisk.

d. The student will be able to analyze several case studies and determine if there was a legal search or seizure made.

2. Methods:

a. Case Studies

1) Civil Liberties Today, Chapter 1.

2) Great Cases of the Supreme Court, Chapter 3.

3) Crimes and Justice, Chapter 3.

4) Filmstrip, America's Secret Agents (NY Times Company).

5) Cassette, "The Wind May Blow Through it But..." (Inquiry: The Justice Thing, #5).

6) Project Inquiry Instructional Materials, Volume 1, pp. 24-25; Volume 2, pp. 199-203.

7) Bill of Rights in Action, February 1977.

8) FBI Law Enforcement Bulletin, August 1977, p. 27.

C. Due Process and the Right to Counsel

1. Objectives:

a. The student will be able to state the historical reasons for giving everyone due process and the right to an attorney.

b. The student will be able to state the reason why an individual needs a lawyer.

c. The student will be able to evaluate case studies and analyze the court's decisions.

2. Methods:

a. Filmstrip, "The Right to Counsel" (The Fight for Our Rights, Set Two, Schloat Productions, Inc.).

b. Cassette, "Due Process" (Inquiry: The Justice Thing, #3).

c. Civil Liberties Today, Chapter 2.

d. Great Cases of the Supreme Court, Chapter 8.

D. Equal Protection and Opportunity

1. Objectives:

a. The student will be able to give four examples of how minority groups have been discriminated against.

b. The student will be able to give an opinion on the ERA after reading pros and cons on the issue.

c. The student will be able to analyze case studies and give opinions on them.

2. Methods:

a. Great Cases of the Supreme Court, Chapters 4, 5, and 6.

b. Civil Liberties Today, Chapter 3.

c. Cassettes, "Try and Prove It" (Inquiry: The Justice Thing, #4) and "Rich Person, Poor Person, Beggar Person, Thief" (same, #9).

E. Trials

1. Objectives:

a. The student will be able to describe the concept of due process.

b. The student will be able to describe the concept of justice.

c. The student will be able to relate the reasons for developing laws geared toward controlling others.

d. The student will be able to state the main differences between adult and juvenile treatment under law.

e. The student will be able to list the types and amounts of crime in America, analyze some of its causes, and pose some solutions.

f. The student will be able to describe the court procedure for an adult trial.

g. The student will be able to describe the court procedure for juveniles.

2. Methods:

a. Simulations

1) Moot

2) Kids in Crisis

3) Rip-Off

b. Witness a jury trial.

c. Presentations by local probation and parole officers.

d. Judge, as a resource person, comes into the classroom to explain his/her role.

e. Books - Resources

1) Linda Riekes and Sally Mahe, Youth Attitudes and Police

2) Linda Riekes and Sally Mahe, Juvenile Problems and Law

3) Linda Riekes and Sally Mahe, Courts and Trials

4) Gilbert B. Stuckey, Evidence for the Law Enforcement Officer

f. Cassette, "Twelve Good Men and True," (Inquiry: The Justice Thing, #2).

g. Quiz on court terms (Appendix 18).

XI. Evaluation

A. Post-test --- compare with pre-test (Appendix 1).

BOOKS AND PAMPHLETS

AMA Pilot Program to Improve Medical Care and Health Services in Correctional Institutions, American Medical Association (535 N. Dearborn Street, Chicago, IL 60610).

Bassiouni, M. Cherif et al. Crimes and Justice (Justice in America Series), Houghton Mifflin (Dept. M, One West Beacon Street, Boston, Mass. 02107), 1969. $2.28.

Bill of Rights in Action. Constitutional Rights Foundation (6310 San Vicente Boulevard, Los Angeles, CA 90048; quarterly).

Chemerinsky, Erwin, Alan Loewinsohn and Bren Ortega. The Complete Resource Handbook of Issues on Criminal Justice, National Textbook Company (8259 Niles Center Road, Skokie, IL 60076), 1976. (Debater's handbook).

Constitutional Rights Foundation, Civil Justice. Scholastic Book Services (50 West 44th Street, New York, NY 10036), 1978. (Teacher's guide and ditto masters available also).

Constitutional Rights Foundation, Criminal Justice. Scholastic Book Services (50 West 44th Street, New York, NY 10036), 1978. (Teacher's guide and ditto masters available also).

"Crime and Just Desserts," The Milwaukee Journal Insight Magazine, January 18, 1976, p. 6.

FBI Law Enforcement Bulletin, Federal Bureau of Investigation (U.S. Department of Justice, Washington, D.C. 20535; monthly).

FBI Uniform Crime Reports: Crime in the United States, 1976.

Freedoms Foundation at Valley Forge. The American Credo; Guidelines to the American Way of Life, Volume III. Valley Forge, Pennsylvania, 1970.

Fribourg, Marjorie. The Bill of Rights; Its Impact on the American People. Avon Books (959 8th Avenue, New York, New York 10019), 1967.

High School Law Program Attorney's Sourcebook, ABA Young Lawyers Section (1155 E. 60th St., Chicago, IL 60637).

Justice and You, Milwaukee Public Schools (5225 W. Vliet St., Milwaukee, WI 53208), 1975.

"Know Your Legal Rights," Channing L. Bete Company (45 Federal Street, Greenfield, Mass. 01301).

"The Law and You," Channing L. Bete Company (45 Federal Street, Greenfield, Mass. 01301).

"Legal Points," Reprints from Law Enforcement Bulletin May 16, 1975-May 21, 1976.

On Freedom; A Casebook, Law in a Free Society (606 Wilshire Blvd., Suite 600, Santa Monica, CA 90401), 1975.

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Police Times; Voice of Professional Law Enforcement, American Law Enforcement Officers' Association (4005 Plaza Towers, New Orleans, LA 70113; monthly).

Ratcliffe, Robert, ed. Great Cases of the Supreme Court, Houghton Mifflin (Boston), 1975.

"Rehabilitation and Reform" (Opposing Viewpoints Pamphlets), Greenhaven Press (1611 Polk Street N.E., Minneapolis, Minn. 55413), 1973.

Riekes, Linda and Sally Mahe. Courts and Trials, West Publishing Company (170 Old Country Road, Mineola, NY 11501), 1975. $3.25

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Scheurich, Michael, ed. Project Inquiry Instructional Materials, Wisconsin Bar Foundation (Madison, Wisconsin), 1974. 2 vols., $8.00.

Stevos, Joyce L. The Constitution, Scott Foresman & Company (Glenview, Ill.) 1978.

Stuckey, Gilbert B. Evidence for the Law Enforcement Officer, 2nd ed., McGraw-Hill (1221 Avenue of the Americas, New York, NY 10020), 1974.

"Teenage Criminals: Time to Get Tougher on Toughs?", Senior Scholastic, Vol. 109, No. 15 (April 7, 1977), p. 18.

Wisconsin Jury Handbook. Wisconsin Judicial Council (25 West Main Street, Madison, Wisconsin 53703), 1976.

GAMES

Kids in Crisis. Constitutional Rights Foundation (6310 San Vicente Boulevard, Los Angeles, CA 90048), 1975. $12.00.

Moot: A Simulation of Legal Procedures Derived from Juvenile and Adult Law Cases. Interact (Box 262, Lakeside, CA 92040), 1972. $12.00

Plea Bargaining; A Game of Criminal Justice. Simile II (P.O. Box 1023, La Jolla, CA 92037), 1974. $17.50 (8 student kits); $25.00 (35 student kits).

Point of Law. 3M Company (Box 33350, St. Paul, Minn. 55133), 1972. $10.95.

Police Patrol. Simile II (P.O. Box 1023, La Jolla, CA 92037), 1973. $12.50.

Rip-Off; A Simulation of Teen-age Theft and the Juvenile Hearing Process. Interact (Box 262, Lakeside, CA 92040), 1976.

A/V MATERIALS

About Law. Channing L. Bete Company, Inc. (45 Federal Street, Greenfield, Mass. 01301), 1967. Scriptographic multimedia kit, $85.00.

America's Secret Agents. The New York Times Company (110 South Bedford Rd., Mt. Kisco, NY 10549), 1976. Filmstrip and record, worksheet master and discussion guide, $22.00.

The Fight for Our Rights. Warren Schloat Productions, Inc. (150 White Plains Road, Tarrytown, NY 10591), 1969. 4 Color filmstrips/cassettes or records in each set, $70.00 per set (records) or $85.00 per set (cassettes).

Set One:	Set Two:
Freedom of Religion	Freedom of Speech
Freedom of the Press	The Right to Vote
The Right to go to School	The Right to Counsel
The Right of Peaceful Assembly	The Right to Bear Arms

"George Lincoln Rockwell at the University of Wisconsin-River Falls". UW-River Falls Media Dept. (River Falls, WI 54022), 1967. Cost of duplication: $10.00 - $15.00.

The History of Dissent. The New York Times Company (110 South Bedford Rd. Mt. Kisco, NY 10549), 1968. Filmstrip & record, discussion manual, $22.00.

INQUIRY; The Justice Thing. Educational Communications Board (Madison, WI), 1974. $32.25 for 15 cassettes-one side only, $18.00 for 8 cassettes-two sides. Available through Wisconsin Bar Foundation, 402 West Wilson, Madison, WI 53703.

Mass Media. Guidance Associates (757 Third Avenue, New York, NY 10017), 1971. Filmstrip with accompanying record, $22.00. Part I: Newspapers; Part II: Freedom of the Press; Part III: New York Times.

Mass Media; Impact on a Nation. Guidance Associates (757 Third Avenue, New York, NY 10017), 1975. 2 filmstrip/cassettes or records, $52.50. Part I: Power and Functions; Part II: Responsibilities and Restraints.

Supreme Court Cases; Third Series. Educational A/V, Inc. (Pleasantville, NY 10570), October 1967. (records, Lexington label).

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Plessy vs. Ferguson (1896)
Lochner vs. New York (1905)
Abrams vs. U.S. (1919)
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Powell vs. Alabama (1932)
DeJonge vs. Oregon (1937)
McCollum vs. Board of Education (1948)
Brown vs. Board of Education (1954)
Roth vs. U.S. (1957)
Mapp vs. Ohio (1961)
Engel vs. Vitale (1962)
Gideon vs. Wainwright (1963)
Reynolds vs. Sims (1964)
Miranda vs. Arizona (1966)

What's Happened to Patriotism? The New York Times Company (110 South Bedford Rd., Mt. Kisco, NY 10549), 1971. Filmstrip & record, discussion manual, $22.00

"...With Justice for All?" EMC Corporation (180 East Sixth Street, St. Paul, Minn. 55101), 1976. 4 filmstrip/cassettes, $79.00.

Your Civic Responsibility. Guidance Associates (757 Third Avenue, New York, NY 10017), 1976. 2 filmstrips/cassettes or records, $52.50.

APPENDICES

Freedoms - Your Rights and Responsibilities

Phillips High School

FREEDOMS - YOUR RIGHTS & RESPONSIBILITIES EVALUATION

I. Definitions - matching

_____ 1. The trial system in the United States whereby both opposing parties have full opportunity to present their findings to the court.

_____ 2. The party appealing a decision or judgment to a higher court.

_____ 3. In criminal practice, to bring a prisoner to court to answer a charge.

_____ 4. To set a person free who has been arrested after he pays a fee or leaves sufficient security on the promise that he will return at a specified time for trial.

_____ 5. The court attendant whose job it is to keep order in the court.

_____ 6. Process issued by the court itself for the arrest of a person.

_____ 7. The removal of a suit begun in one county to another for trial.

_____ 8. Law which derives its authority from customs of the past or from judgments of the courts. Also called "Case Law".

_____ 9. Any act meant to embarrass, hinder, or obstruct a court in its administration of justice.

_____10. The person who transcribes by shorthand the testimony given in court.

_____11. The testimony of a witness taken out of court.

_____12. Common law and constitutional prohibition against more than one prosecution for the same crime.

_____13. The guarantee that everyone have the protection of a fair trial.

_____14. The act of officers or agents of government in inducing a person to commit a crime for the purpose of arresting him.

_____15. The surrender of one state to another of an individual accused or convicted of an offense.

_____16. A crime punishable by death or imprisonment.

_____17. Intentionally lying or deceiving someone.

_____18. A writ whose object is to bring a person to court.

_____19. An accusation in writing found and presented by a grand jury charging a person with a crime.

_____20. Mandatory writ issued by the court, usually prohibiting something.

_____21. Evidence not relating to the case.

_____22. A certain number of persons whose job is to decide innocence or guilt based on the evidence supplied.

_____23. A jury whose job it is to hear complaints and accusations and evidence and then to decide if a crime has been committed.

_____24. Falsely accusing someone of doing something wrong in print, writing, pictures or signs.

_____25. Offenses punishable by fine or imprisonment in local jails rather than penitentiaries.

_____26. Unsettled: Undecided

_____27. The conditional release from prison of a convict before the end of sentence.

_____28. The dismissal by a prosecutor or defense lawyer of a certain number of prospective jurors without cause.

_____29. The party who complains or sues.

_____30. An instrument authorizing another to act as one's agent.

_____31. A hearing given a person charged with a crime to determine whether he should be held for trial.

_____32. The act or process of proving a will.

_____33. The trial lawyer representing the state or people.

_____34. An order by the court directing a law officer to search in a specified house or area of the house looking for contraband.

_____35. Spoken words tending to harm another's reputation, business or means of livelihood.

_____36. The written law in contrast to the unwritten law.

_____37. A paper causing a witness to appear and give testimony before a court.

_____38. A writ directing the sheriff to notify a person that an action has been started against him.

_____39. An injury or wrong committed either with or without force, to the person or property of another.

_____40. The official record of proceedings in a trial or hearing.

_____41. The decision of the jury.

_____42. One who testifies to what he has seen, heard or otherwise observed.

_____43. An order issuing from a court of justice and requiring the performance of a specified act or giving authority to have it done.

1. subpoena
2. prosecutor
3. irrelevant
4. contempt of court
5. appellant
6. indictment
7. bail
8. entrapment
9. double jeopardy
10. adversary system
11. peremptory challenges
12. change of venue
13. search warrant
14. grand jury
15. libel
16. arraignment
17. power of attorney
18. misdemeanor
19. fraud
20. bailiff
21. preliminary hearing
22. statute
23. transcript
24. tort
25. probate
26. injunction
27. bench warrant
28. jury
29. moot
30. extradition
31. common law
32. habeas corpus
33. felony
34. summons
35. court reporter
36. plaintiff
37. deposition
38. verdict
39. due process
40. writ
41. parole
42. witness
43. slander

II. Practical Legal Problems-Agree or disagree and why

_____ 1. Young people's sexual conduct is subject to laws more frequently enforced than are laws relating to sexual conduct of adults.

_____ 2. State laws cannot deny to young persons the right to read or see material available to adults.

_____ 3. Communicating information to third parties which exposes another person to hatred, contempt or disgrace--even though the information is true--is usually a violation of the law.

_____ 4. Conviction of a felony results in a criminal record, but conviction of a misdemeanor does not.

_____ 5. The fact that one was under the influence of drugs is almost never an acceptable defense to a crime.

_____ 6. Anyone who accepts marijuana or controlled substances from another makes the giver a felon.

_____ 7. One of the biggest dangers of drug use is not what it will do to you, but the impurity of what you get.

_____ 8. Marijuana has been proven to be less harmful than tobacco or alcohol.

_____ 9. Opium use was at one time legal in America.

_____ 10. Teachers and school administrators in Wisconsin are expressly forbidden to administer corporal punishment to students.

_____11. Students are entitled to due process when threatened with expulsion but not when threatened with suspension.

_____12. School districts in Wisconsin have no right to limit the use of automobiles by students.

_____13. The courts have upheld the right of school authorities to search school lockers without the student's consent.

_____14. Any pregnant student may be suspended from school until her pregnancy is terminated, even if she is married.

_____15. Parents are responsible for certain wrongful acts done by their children.

_____16. In cases of divorce or legal separation between parents, the responsibility for determining custody of children rests with the parents.

_____17. Parents have the inherent right to impose reasonable punishment, such as spanking, on a child.

_____18. The earnings of a person under age 18 legally belong to the parents.

_____19. Common law marriages are not valid in Wisconsin.

_____20. Parents are usually under no duty to provide food, clothing or shelter after a child turns 18.

_____21. Under the law, a mother should usually get custody of children after a divor

_____22. The father of an illegitimate child is under no obligation to support that child.

III. American Justice - True or False

_____ 1. Every person accused of a crime is tried in a federal court.

_____ 2. The Constitution guarantees every person the right to trial by jury.

_____ 3. Justice today is only for the poor; the rich escape punishment.

_____ 4. Judges are always impartial, giving the same sentences for the same crimes for each criminal.

_____ 5. Our justice system has three parts: state courts, regional courts and the Supreme Court.

_____ 6. Judges are elected to office as federal judges at any level.

_____ 7. People do not have the right to demonstrate against policies of the government that they do not like.

_____ 8. Most of the rights of the people in front of a court are guaranteed by the Constitution and its Amendments.

_____ 9. The death sentence is legal anywhere in this country.

_____10. Many of the court decisions recently have led to more protection of the criminal than of the victim.

_____11. A juvenile has the same rights in a court as an adult, including the right to a lawyer.

_____12. If a person is arrested, the police must inform the suspect of his/her rights immediately.

_____13. More crimes are committed by people of minority groups than by whites.

_____14. More crimes are committed against people of minority groups than against whites.

_____15. The police have the right to enter and search your house if they feel you are concealing something.

_____16. People cannot be allowed to speak out against the government on television.

_____17. The Supreme Court can overturn laws passed by the Congress.

_____18. The present Chief Justice of the Supreme Court was appointed by the present President.

_____19. The Supreme Court can only decide whether cases have been judged correctly or not.

_____20. The District Court hears original cases on federal charges.

_____21. Few ways are provided for the poor to be properly represented in court.

_____22. Most lawyers are out to get the biggest possible fee in the shortest period of time.

_____23. The problems of bribed judges could be stopped if we had election instead of appointment of federal judges.

_____24. The Supreme Court sometimes makes policies for the nation when the Congress doesn't act, such as desegregating the schools.

_____25. If you were to be accused of a crime and found innocent, all records of the crime would be destroyed.

IV. Fill in the blanks.

1. What is another name for laws? _____.

2-4 Name three occupations that are involved in enforcing and administering laws.

_____.

5. Federal laws are made by _____

6. Why do we have laws? _____

7-9 List three types of laws. _____

10-12 List two general laws that most states have to legalize marriage. _____

_____

13-14 Give two of the "legal rights" of the husband. _____

_____

15-16 Give two of the "legal rights" of the wife. _____

_____

17. When may a marriage be annulled? _____

18. Each year there are about 1 million marriages. About what percentage end up in divorce? _____

19. What is a contract? _____

20. What is a will? _____

21. What happens if a person doesn't have a will? _____

_____

22. What is civil law? _____

23. What is a plaintiff? _____

24. What is a defendant? _____

25. What is criminal law? _____

26-28 Give three rights given to a person when he/she is arrested. _____

_____

29-31 List three occassions when you may need a lawyer. _____

_____

32-34 Give three things a person can do to prevent crime. _____

_____

V. The Bill of Rights (Criminal Protections) - Agree or Disagree & Why

_____ 1. A person who attempts a crime, but is stopped by the police, is always subject to the same punishment as if he succeeded.

_____ 2. Shooting a person who had, unknown to the gunman, just died of a heart attack would be attempted murder, but sticking a pin in a voodoo doll would not.

_____ 3. A person convicted of a serious crime loses the right to vote.

_____ 4. If a witness to a crime is timid and nervous, the witness may give evidence through a statement, and if the defendant is told who the witness is, there is no violation of due process.

_____ 5. Each one of the guarantees of the Bill of Rights which applies against the federal government applies against the states as well.

_____ 6. In arresting an automobile driver for a traffic violation, the police can use the violation as a means for searching for other contraband or incriminating evidence.

_____ 7. A "bug" on a telephone is an illegal search and seizure, but a "bug" on an informer to whom the suspect is talking is legally acceptable.

_____ 8. When a person is arrested at his home, the entire apartment or house may be searched without a warrant because it is incident to a valid arrest.

_____ 9. Poor defendants are entitled to attorneys at trial, but once convicted, they should not automatically have free legal counsel for appeal unless a court thinks there is some merit for an appeal.

_____10. A person's failure to ask for an attorney at interrogation constitutes a waiver of counsel.

_____11. Any person under 18 who violates a state law is always referred to the juvenile court.

_____12. A decision in the juvenile court will not result in a criminal record.

_____13. A person in juvenile court accused of a crime has a constitutional right to trial by jury.

_____14. Juveniles in juvenile court have all the same rights as do defendants in adult court.

_____15. Juveniles accused of very serious crimes, such as murder and kidnapping, may be held in jail with adult prisoners without bail.

_____16. If an undercover policeman offers drugs to a known user, this is entrapment and the known user cannot be convicted of possession if he buys the drugs.

_____17. Illegally obtained evidence can never be used at trial against the defendant.

_____18. The courts in this country generally assume that the use of illegal crime prevention methods are more dangerous to the people than the criminals themselves.

_____19. The police have no duty to advise persons of their constitutional rights while they are merely asking questions during an investigation.

VI. The Bill of Rights (Civil Liberties) - Agree or Disagree & Why

_____ 1. Courts will always prohibit attempts of public schools to set up or enforce school dress codes.

_____ 2. The Supreme Court has upheld a person's right to burn his draft card as a symbolic expression of free speech.

_____ 3. School authorities may prohibit students wearing any symbols of political or controversial significance.

_____ 4. The courts have systematically upheld the right of high school newspapers to be immune from restrictions by the administration on their content.

_____ 5. If a newspaper's editorials become too critical, the President could have the paper shut down on grounds of national security.

_____ 6. If a reporter manages to get a story on a crime the police cannot solve, he must always disclose his information and sources to the police.

_____ 7. A columnist who writes adverse stories concerning a candidate for public office, which prove to be false, is liable to the candidate for damages in a suit for libel.

_____ 8. Nativity scenes in public schools at Christmas are permissible because, while religious, they are also cultural.

_____ 9. If a person's religion demands that Saturday be his day of rest, he may then conduct his business on Sunday, even if state law prohibits it.

_____10. A hotel in Wisconsin may lawfully refuse you a room because of your religious beliefs, but not because of your race.

_____11. A minority person with lower grades should be favored for admission to college or graduate school over a white to compensate for earlier unequal education.

_____12. If the United States were at war with Mexico, all persons of Mexican ancestry could be placed in detention centers to prevent sabotage and espionage.

_____13. An airline can refuse to hire male stewardesses.

_____14. In the event of a divorce, the woman is automatically favored for child custody, and should be in most cases.

_____15. Women may legally be prohibited from playing contact sports with men in school.

Developed by Isidore Starr, ABA Special Committee on Youth Education for Citizenship

MIND WALK

The teacher tells a story and asks the students to raise their hands when the law is involved in the story. The students are then asked to tell in what way the law is connected to that part of the story.

This is used to illustrate the extent to which law affects our daily lives.

Story:

David Bradley (1) is 15 years old (2). He enjoys nothing more than riding his bike (3) and allowing his dog (4) to follow along. Thursday he started through the park (5) and met a man who was selling (6) chances (7) to win thousands of dollars in a state lottery (8). David bought a 25 cent ticket (9) and it turned out to be the big winner. He then bought a car (10) and took his dog for a ride. (11)

1. legal name
2. birth certification
3. bike and traffic laws
4. leash laws
5. public places
6. vending laws
7. gambling laws
8. gambling laws
9. monetary laws
10. laws governing motor vehicles and juveniles
11. laws governing operation of motor vehicles

Story:

When I got up this morning I decided what to wear (1) while I brushed my teeth with the newest toothpaste (2). While drinking my orange juice (3) and coffee (4) I listened to the radio (5) and let my dogs out for their morning run (6). When the mail arrived (7) I found a number of bills and circulars advertising property for sale (8). Included was a stamp with my name asking for a contribution of $2.00 (9). When I washed the dishes the water (10) did not have sufficient pressure so I telephoned (11) city hall.

1. laws against nudity
2. PFDA
3. PFDA
4. import controls
5. federal licensing
6. local licensing and fencing laws
7. federal laws
8. contract law, truth in lending, fraudulent use of the mails
9. law on unsolicited merchandise
10. municipal services law
11. regulation of public utilities

Developed by Isidore Starr, ABA
Special Committee on Youth Education for Citizenship

NO VEHICLES IN THE PARK

The town of Beautifica has established a lovely park in the city. The city council wished to preserve some elements of nature, undisturbed by city noise, traffic, pollution, and crowding. It is a place where citizens can go and find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:

NO VEHICLES IN THE PARK.

The law seems clear but some disputes have arisen over the interpretation of the law. Interpret the law in the attached cases keeping in mind the letter of the law as well as the intent of the law.

1. John Smith lives on one side of the town and works on the other side. He will save 10 minutes if he drives through the park.

2. There are many trash barrels in the park so that people may deposit all litter there, thereby keeping the park clean. The sanitation department wants to go in to collect the trash.

3. Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect car and trap him between the patrol cars.

4. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park.

5. Some of the children who visit the park want to ride their bicycles there.

6. Mrs. Thomas wants to take her baby to the park in his baby buggy.

7. A monument to the town's citizens who died in the Vietnam War is being constructed. A tank, donated by the government, is to be placed beside the monument.

8. Several of the town's citizens have made a living for several years by driving people around scenic spots in the city in an old-fashioned horse and buggy. They want to drive people through the park.

34

Developed by The Lincoln Filene Cente
for Citizenship and Public Affairs;
Tufts University; Medford, Mass.
02155

The Cave*

While on a trip, three students of Commonwealth High School became trapped in a cave due to a landslide. The tragedy occurred on a Monday morning after they had entered the cave to explore for Indian relics. One student, Joe, was an outstanding athlete and very strong. Tom was a quiet chap who had a reputation for being square, and he was generally bullied by his classmates. George, by comparison, was very smart, especially in biology, chemistry, and physics, and it was well known that he was one of the most intelligent students ever to attend Commonwealth High.

After recovering from the landslide, the three youths began to discuss their fate. George said that, on the basis of what he had read in his science books, three of them could live without food for only thirty days. He further mentioned that there was no animal or vegetable matter in the cave. He noted, however, that if two of them ate the third, they could exist for forty days instead of thirty. Joe had a watch, so there was no problem in counting off the days.

On the twenty-fifth day Tom, the quiet boy, suggested that they draw lots and that the loser be killed and eaten by the other two. After some period of silence, they all agreed. On the twenty-sixth day, the lots were drawn, and Tom lost. He begged Joe and George to let him back out, but they denied his request and said, "A deal is a deal." Just as they were about to beat him to death with rocks, they were rescued.**

1. Was a crime committed?

2. If so, how would you punish it?

---

* Gibson, William M., Lessons in Conflict: Legal Education Materials for Secondary Schools. Medford, Massachusetts: Law in the Social Studies Project, Lincoln Filene Center for Citizenship and Public Affairs, Tufts University, 1971, p. 8.

** For a thorough treatment of this problem, see Fuller, L., Problems in Jurisprudence 3 (1949 Temp. Ed.), "The Case of the Speluncean Explorers."

Here are some words that are important in the judicial system. Some you may already know. Others may be new to you. You will probably need this information for reference as you go through this unit.

adversary system of justice	— a system in which each side has the right to cross-examine the other
amicus curiae	— "friends of the Court", which is other parties who file briefs before a court in support of one side or another in the case.
appeal	— a request to a higher court to review a case
brief	— the legal document lawyers prepare in support of a case, citing precedents from other court decisions and the grounds for their side's position
capital offense	— one which requires the death penalty
civil case	— a case between individuals
criminal case	— a case between the state or nation and an individual
counsel	— a lawyer or an attorney
Court of Appeals (circuit)	— federal appellate court; first step in appeals in federal cases
decisional law	— laws created by the decisions of a judge in a case
defendant	— the person accused of wrongdoing
dissenting opinion	— written statement of appellate court judge explaining why he disagrees with the majority
district court	— the lowest federal court and the only trial court in the federal system
docket	— the official list of cases to come before the court
due process of law	— stated court procedures that are used in all cases
evidence	— the information presented by both parties
federal court	— one that is part of the national rather than state government
judgment	— the written report of the court's decision

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judicial review	— the principle that federal courts, particularly the Supreme Court, can review laws passed by the states and the Congress or other official orders, to determine constitutionality — applied only when cases violating the law come before the court
jurisdiction	— the types of cases that can be tried in a court
jury	— a group of persons selected from the area and accepted by the attorneys of both sides; can be from 6-12 persons
majority opinion	— written statement written by one of the appellate judges for all the judges who agree, which states the reasons for the decision
minor	— a person under legal age (18)
petition	— a formal written request to a court seeking action
plaintiff	— the person making the complaint in the case or bringing charges
search warrant	— a court order authorizing the search of a place for a specific stated object
stare decisis	— principle of standing by previous decisions and precedents
statutory law	— laws passed by Congress or state legislatures
subpoena	— a legal document requiring a person to appear in court
testimony	— the statements of witnesses at a trial
writ of certiorari	— a petition to the Supreme Court requesting it to review the documents of a lower court to determine if the judgment is correct
writ of habeas corpus	— a petition to a court asking another group or person to explain why a prisoner should not be released because he/she is being illegally held

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EDITORIALS

For whom the Liberty Bell tolls

Many people feel a bit edgy when confronted with the results of survey questions and interviews because deep down they know they themselves have never been asked to participate in the likes (or dislikes). But say, you are approached by a very pleasant individual who asks you to kindly read the following:

"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the people to alter or abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness."

Recently some 2,300 federal employes in 12 Washington, D.C. agencies were shown that quotation and asked to sign it by representatives of the People's Bicentennial commission established to help celebrate America's 200 birthday.

The results deserve your attention and rumination. Forty-seven percent did not recognize the quote as coming from the Declaration of Independance. Sixty-eight percent refused to sign at all. Of those who did consent to sign, 83 1/2 percent did not recognize it as the Declaration.

The worst record on signing came from the Pentagon where 79.4 refused. Following close behind was the Department of Agriculture with 78.7 refusing.

The two best agencies were Congressional workers of whom 46.8 agreed to sign and those of Health, Education and Welfare department with 45.5 consenting.

Some of the comments of those refusing a signature included:

*"Do you read the Christian Science Monitor? They wrote it..."

*"I usually don't sign anything without my husband's advice..."

*"I can't sign because I'm in the military. I can't sign anything..."

*"That's the Declaration of Independence. I disagree with that thoroughly."

*"This is anarchy. Anarchy is prohibited by the Constitution."

*"Yes, I recognize it. It's from the Communist Manifesto. I read it in a history book."

But enough.

If you're the stout-hearted type, you might show the quotation to members of your family and other associates. However, you will probably need several of those many fast-acting headache tablets.

The saddest lack among American citizens is their pitiful knowledge of their own nation's history, just as the sorriest want among American Catholics is their grasp of Church history, especially in the U.S.A. Beginning in the Fall, The Catholic Herald Citizen will try to remedy this latter situation by running an interesting informative series.

Maybe the major hoopla of the national birthday should be postponed another 100 years. Why? Because the Declaration itself is not a has-been document of the second Continental Congress but an ongoing cause to be reaffirmed by each generation fully aware of their recorded past, so they may interpret their complex present and plan reasonably for the morrow. Otherwise, there seems little cause for jubilee. No matter the date.

Yes, the old cracked Liberty Bell tolls for those who merely hear a disturbing noise in their witless inappreciation--and for those many who in reality must rely only on sensing that jubilant tintinabulation deep within their hearts, no matter their human place.

--Fr. Thomas E. Leahy
The Catholic Herald Citizen
July 12, 1975

NAME _____

Based on the filmstrip, questions and activities in this unit, answer the following questions.

1. List the three features of the American judicial system that you consider most important.

   a. _____ b. _____

   c. _____

   List the letter for the one you think is most important. _____

   Why do you think so? _____

   _____

2. What is the source of the authority of the American judicial system?

   _____

3. Choose one of the cases in the filmstrip. Explain how their rights were violated in this situation.

   _____

   _____

   _____

4. What do you consider the three most important rights of those given below?

   a. right to jury trial
   b. right to public trial
   c. freedom of the press
   d. freedom of religion
   e. freedom of petition
   f. right to not testify against oneself
   g. right to free speech
   h. protection from cruel and unusual punishment
   i. right to see your accusers
   j. right to peacably assemble

   List the three here. _____ _____ _____

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Explain why you selected these. _____

_____

You are an editorial writer for the local newspaper. Write a brief editorial about the state of American justice today as you see it, in comparison to what the writers of the Constitution thought it would be.

_____

_____

_____

_____

_____

_____

Here are some official statistics about the federal courts and their work.

A. One of the problems frequently cited is that there are too many cases which do not get settled quickly. For the years indicated, the following data was true:

TABLE 12
NUMBER OF CASES PENDING PER AUTHORIZED JUDGESHIP

Fiscal year ended June 30	All district courts		District of Columbia only	
	Civil	Criminal	Civil	Criminal
Authorized judgeships	400	400	15	15
1972	253	64	211	136
1973	253	61	165	51
1974	268	57	117	24

1. Does this data support the statement of the problem above? _____ Yes _____ No

   Why or why not? _____

2. Why do you think there is such a difference in the District of Columbia?

   _____

B. Another problem frequently referred to is the increasing case load of judges. Look at this table and see what evidence it gives about this statement.

Fiscal year	Authorized judgeships on June 30	Filed	Terminated	Pending on June 30
Total Civil and Criminal Cases				
1940	183	68,135	71,228	39,031
1950	218	92,342	90,673	63.784
1960	245	89,112	91,693	68,942
1969	341	112,606	105,760	104,091
1970	401	127,280	117,254	114,117
1971	401	136,553	126,145	124,525
1972	400	145,227	143,282	126,470
1973	400	140,994	141,715	125,749
1974	400	143,284	139,159	129,874
Percent change over: 1974				
1940	118.6	110.3	95.4	232.7
1960	63.0	60.8	51.8	88.4
1973	0.0	1.6	-1.8	3.3

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1. Has the case load for judges increased? _____Yes _____No

   Why has this happened? _____

2. What action has been taken to try and decrease the case load?

   _____

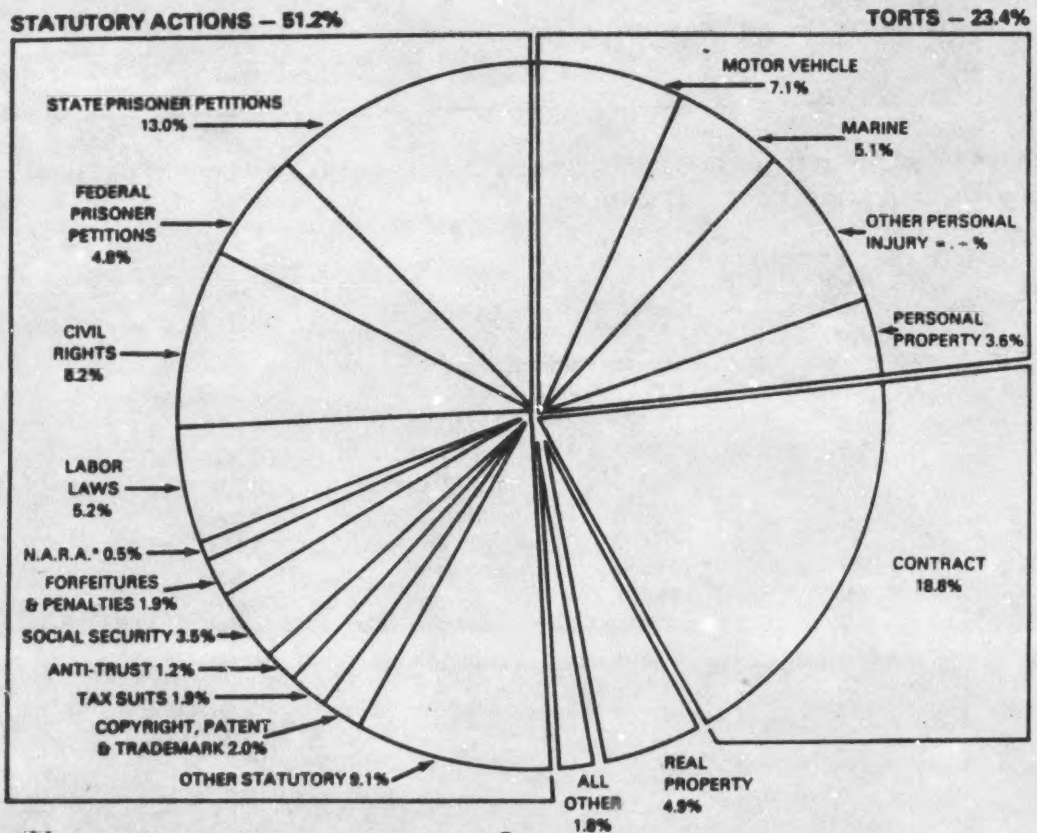
3. What has happened to the balance between the cases that are newly filed and the cases that are terminated? _____

   _____

4. What do you think might account for the decrease in change from 1960 to 1973? _____

   _____

C. This graph shows the number of civil cases that began in the fiscal year 1974 in the District Courts of the United States. The total number of cases was 103,530. What does the graph tell you about the kinds of offenses?



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1. What percentage of the civil cases are prisoner petitions? _____

2. What accounts for the largest number of cases? _____

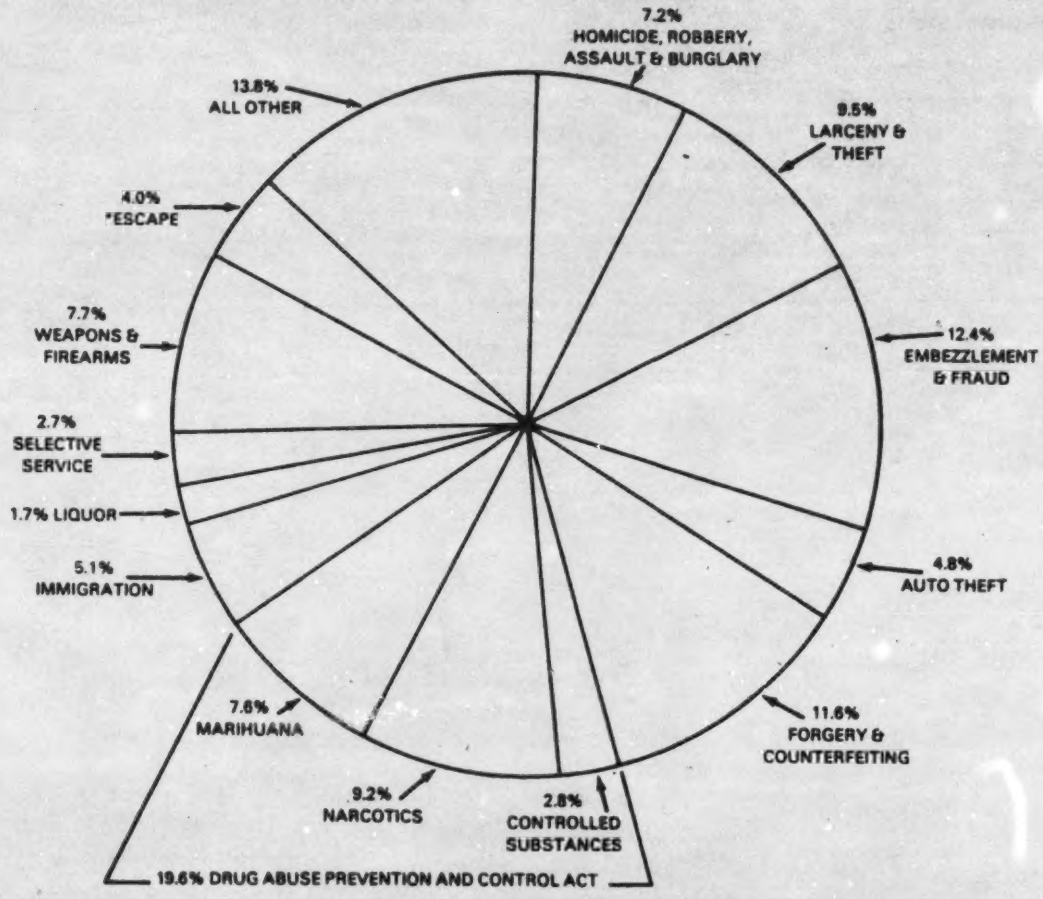
3. Of the three categories — violation of laws, violations of contract, or actions against an individual — which accounts for the largest number of actions? _____

4. Are there any ways indicated by this chart that might point the way to cut down on judicial load? If so, what are they? If not, why not?

_____

_____

D. This graph shows criminal cases begun in the District Courts for the same year. The total number of cases begun was 37,667. What does this graph tell you about court operations and case loads?



45

*Escape from custody, aiding or abetting an escape, failure to appear in court and bail jumping.

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1. What is the most common crime brought before the federal court?

_____

2. Which of the crimes given are most harmful to other people?

_____

3. Which of the crimes given are least harmful to other people?

_____

4. How might the federal courts be able to cut down on their criminal case load?_____

_____

E. Based on all of the statistics you have seen, draw some conclusions of your own about the operation of the federal district courts. Write a brief paragraph giving your conclusions and your reasons for them.

_____

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NAME _____

After viewing Sound-Filmstrip 2 and participating in related discussion and activities, answer the following questions as well as you can based on this information.

1. Identify the structure and function of the federal court system. Be specific for each of its parts.

_____

_____

_____

_____

_____

2. Each of the following are crimes that come within the jurisdiction of the federal courts. Put a C before those offenses that are civil; put an R before those offenses which are criminal.

_____ a. forgery

_____ b. bank robbery

_____ c. mail fraud

_____ d. bankruptcy

_____ e. possession of narcotics

_____ f. violation of copyright

3. Draw a diagram which shows the process by which a case may be appealed. At each level, give an example of such a case.

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NAME _____

After viewing Sound-Filmstrip 2 and participating in related discussion and activities, answer the following questions as well as you can based on this information.

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_____ f. violation of copyright

3. Draw a diagram which shows the process by which a case may be appealed. At each level, give an example of such a case.

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NAME _____

When you have viewed Sound-Filmstrip 3, "Decisions Affect Everyone", and have participated in discussion and activities about it, complete the answers to these questions.

1. Match each of the cases in column A with the statements in column B. You may use the cases more than once.

Column A	Column B
1. **Dred Scott v. Sandford**	_____ a. school desegregation ruling
2. **Plessy v. Ferguson**	_____ b. action in the public interest
3. **Brown v. Board of Education**	_____ c. classic confrontation of economy vs. ecology
4. **U.S. v. Reserve Mining Co.**	_____ d. slaves are not citizens
	_____ e. changed the course of history
	_____ f. "separate but equal" became law
	_____ g. did not go to Supreme Court
	_____ h. overturned previous decision

2. How did the cases in this segment illustrate that "decisions affect everyone"?

_____

_____

_____

3. What does each of these mean?

a. acting in the public interest _____

b. changing the course of history _____

c. changing earlier decisions _____

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4. Choose one of the above roles of the courts. Explain why you think it is the one which is most important.

People v. Woody (1964)

Peyote appears as small "buttons" on the top of a small cactus plant found in the Rio Grande Valley of Texas and northern Mexico. When eaten, peyote produces several types of hallucinations (imaginary sights or sounds) depending on the user. Most people report strange visions with bright colors, geometric patterns, or scenes involving humans or animals. A few people report having the kind of hallucinations from eating peyote that mentally ill people suffer from their sickness. For most users peyote also fosters a feeling of friendliness toward other persons.

Peyotism, the taking of peyote as part of a religious ritual, was observed among Indians by Spanish explorers in Mexico as early as 1560. Peyotism spread from Mexico to the United States and Canada and was an established practice among American and Canadian Indian tribes before 1890.

The "meeting," a ceremony that is based upon the sacramental use of peyote, is one of the most important events in the Native American Church (a modern, formal church that practices peyotism). The meeting starts on Saturday night and lasts until sunrise on Sunday. It is a solemn and special occasion, and everyone wears their finest clothes--usually suits for the men and fancy dresses for the women. At the meeting, the members sing, pray, and make ritual use of drum, fan, eagle bone, whistle, rattle and prayer cigarette, the symbols of their faith. The most important event, of course, consists of the use of peyote in quantities sufficient to produce an hallucinatory state. Though whole families attend together, young children never, and Indian teenagers rarely, are allowed to use peyote.

Although peyote serves as a sacramental symbol in the Native American Church, similar to bread and wine in certain Christian churches, it is more than just a sacrament. The peyote is an object of worship itself; prayers are devoted to it in the same way that Christians pray to the Holy Ghost. Members of Native American Church regard peyote also as a "teacher" because it causes them to feel as though they were brothers with all the other members, and "teaches" them to experience God.

On April 28, 1962, a group of Navajos, members of the Native American Church, held a "meeting" in an Indian hogan in the desert near Needles, California, to perform the ceremony that included the use of peyote. Police officers, who had observed part of the ceremony, arrested Jack Woody for violating a section of the California Health and Safety Code which prohibits the unauthorized possession of peyote.

1. Under what circumstances might the state be justified in interfering with a person's or a group's religion? Would there be a difference between questionable religious beliefs and practices? Why?

2. What criteria would you use to determine whether or not the use of a drug such as peyote or marijuana is a legitimate part of a person's religion?

--High School Law Program
Attorney's Source Book,
pp. II-9 & II-10.

Wisconsin v. Yoder (1972)

Wisconsin state law requires all persons having control of a child between the ages of 7 and 16 to make the child attend school regularly.

The Amish are a religious group who have kept a separate and distinct identity from the mass of American society for about 250 years. As a part of their religion, the Amish retain their 18th century way of dressing and do not own automobiles, radios, telephones, etc.; they speak the German dialect of their ancestors and keep separate from society by forming self-contained communities with their own rules for behavior, education, social welfare, etc.

They obey that part of the Bible which says, "Be not conformed to this world...;" their social values are quite different from those of the larger society. Seeking wealth beyond what is necessary for the family and community is sinful. They discourage competition and the seeking of personal status. They allow for the need to know how to "read, write, and cipher," but the pursuit of higher worldly knowledge is seen as encouraging personal pride. Higher knowledge may also lead to disaffection with Amish society and alienation from God.

The Amish are in many respects model citizens. They pay their taxes and debts, take care of their own medical and health problems, and are seldom involved in any kinds of unlawful behavior.

In earlier times, when the law required education for all until the eighth grade, the Amish sent their children to small country schools, usually filled with Amish children, taught by an Amish teacher, and run by a board of Amish citizens. In recent years, the schools have been consolidated, and the Amish children have had to attend the larger schools in town, where they mingle with non-Amish children and are taught by non-Amish teachers.

The Amish have attempted to set up their own parochial schools; however, to comply with state laws these schools must maintain a general standard curriculum, use certificated teachers, and meet other requirements which are objected to by the Amish.

Recently, the Amish have been concerned about the increasing numbers of young people who are leaving the Amish communities. During childhood and early adolescence, the youth are trained to become participating adults in the Amish community. But for a few years, up to the age of 19 (when they are baptized and accepted as full members), they are expected to consider carefully whether they will turn their backs upon the worldly society and accept the burdens of Amish life. This decision may, in part, be made in some degree of ignorance if the youth has not attended high school where he may learn of other ways of life from that of the Amish. In addition, those young people who have chosen to leave the Amish community often enter regular society with the disadvantage of not having gone to high school.

Also, many school districts which have large members of Amish lose considerable amounts of money because of the lack of attendance by the Amish youth. State aid to schools is based upon the number of students who attend the school regularly.

As a result, there is often a strong feeling in counties where there are large numbers of Amish that the Amish youth should be forced to attend school.

In the fall of 1968, several Amish fathers, including Yoder, were arrested and charged with disobeying the Wisconsin law which requires parents to send their children under the age of 16 to school.

---

1. What is the interest of the state in requiring all children to attend school and to be exposed to a standard curricula?

2. What reasons do the Amish have for wanting to have their children attend their own school?

3. Is the state's requirement that Amish children attend schools with a required curricula an unfair limitation of the Amish's freedom of religion?

4. Who, if anyone, is harmed by the Amish practice of refusing to allow their children to attend high school? Non-Amish society? The Amish parents? The Amish children?

5. Which of the following practices should be tolerated under the Constitutional guarantee of freedom of religion?

   a. The old Mormon practice of having several wives?

   b. The use of narcotics in religious ceremonies?

   c. Ceremonial use of poisonous snakes?

   d. Human sacrifice?

--High School Law Program
Attorney's Source Book,
pp. II-5 & II-6.

Office of the President

The Second Amendment Foundation
1601-114th, S.E., Suite 155
Bellevue, Washington 98004

NATIONAL OPINION SURVEY ON GUN CONTROL

Dear Friend,

CBS says 69% of gun owners want more gun laws.

Do you agree?

I would very much like your opinion. I have enclosed a National Opinion Survey on guns.

The organization I am President of, The Second Amendment Foundation, has decided to conduct a national survey to learn what Americans think about gun laws. And you have been specially selected to receive a ballot.

However, if you do not feel you want to participate feel free to destroy the ballot or return it to me.

I personally find it hard to believe that any accurate national poll would show that gun owners like you and me want more new gun laws.

If you hadn't heard about the CBS poll, then just getting you this piece of information was more than enough reason to write you.

I believe it's important that the millions of misinformed Americans understand that we gun owners will fight for our constitutional right to own and use firearms.

The purpose of our National Survey on Gun Control is to set the record straight about our opinion of gun control laws.

I want to say in one loud voice,

Gun owners don't believe in more Gun Controls.

Gun owners don't believe Gun Control means crime control.

We say Register Criminals not Guns.

Earlier in my letter I said the CBS poll is hurting us. And

you're probably asking yourself "How can something so incorrect ever hurt our cause? No one would ever believe it."

Well, a long time ago I learned that if you say things loud enough and often enough people start getting accustomed to what you're saying and eventually they start believing.

Anti-gun groups have plastered the country with little window stickers that say BAN-THE-GUN.

Prime time TV has been used to telecast documentaries like "Guns of Autumn" and a "Shooting Gallery Called America." These TV shows imply that we are trigger-happy, bloodthirsty men and women who get our kicks from killing helpless animals.

Through church and civic groups they've characterized gun owners as mental weaklings who need guns to prove their manhood.

And now CBS with this so-called "objective" National Poll broadcasts across our nation that we gun owners want gun control.

And if you think that's bad and you really don't care what those anti-gunners are saying about you, and you think it's enough to say you have the constitution on your side, then you better think twice.

The end result is that millions of Americans who have no direct interest in guns are being convinced that guns cause crime, gun owners want gun control and Americans have no legitimate use of guns.

Remember, your elected representatives in Washington, D.C. are sensitive to public opinion because they want to stay in office.

So look where we are right now.

There are THREE gun confiscation bills before the U.S. Congress -- THREE bills which won't just control or regulate -- but will completely and totally confiscate all handguns owned by law-abiding citizens.

And even more important, one of President Carter's campaign promises to introduce a new gun control bill is about to be fulfilled. Even by the time you receive this letter you may have read about the Carter Gun Bill in your local newspaper.

You and I know gun laws don't work but the American public doesn't know this because for years upon years all they've heard is one-sided propaganda like "Guns of Autumn."

Quite frankly, I know that pro-gun lobbying groups like the Citizens Committee to Keep and Bear Arms and N.R.A. have put all their attention in Washington, D.C. lobbying and trying to convince

legislators that new and restrictive gun laws are useless.

But that's simply not enough because despite this pressure from pro-gun groups in Washington, voters from back home write their Congressman or Senator saying "We must stop crime. Let's outlaw guns."

I know what I'm saying. We must get our message to "the people". We must be a loud enough voice, with clear arguments, that convince those against us and explain to the millions of undecided Americans that guns are not criminals. Guns don't rob or kill anyone.

The Second Amendment Foundation is dedicated to this citizen alert program. We have the programs and the people to make our programs work. But we do need help.

We've got an excellent chance of winning this public opinion war, but we're facing enormous odds and so I'm counting on your help.

FIRST - Send me your answer to our poll today.

Your answer will then be added to the others who were specially selected to receive this poll.

SECOND - I've enclosed a decal for your car or gun case or wherever you feel it can best be displayed. Please use it to counter the millions of BAN-THE-GUN stickers our opposition has distributed.

In the next few weeks we will spend over $40,000 distributing our RIGHT-TO-KEEP-AND-BEAR-ARMS stickers.

THIRD - Watch your TV and listen to your radio for one-sided biased programs or comments on gun ownership. We are constantly fighting for equal time on local stations across the country.

I've enclosed a postcard addressed back to me for you to report any station that you feel is not fair to our side of the gun issue.

We already have prepared radio and TV spots that have appeared 187 times on over 29 television and radio stations across the country plus the only pro-gun ad ever seen by millions of Americans on national network TV. And we have had to buy our way on some stations that have refused to give us equal time.

All of these things have cost a lot of money - in some cases

this was money we really didn't have to spend. But this fight is so very close that I went ahead thinking that you and other gun owners would support our work.

Now I find myself and our Foundation in a critical financial bind. We have more demands for our TV ads, poll results and RIGHT-TO-KEEP-AND-BEAR-ARMS stickers than our bank account will pay for.

I feel I can't cut back just as we are making progress.

Frankly, when I first started the Second Amendment Foundation, I knew it could only exist if gun owners like you were willing to make financial contributions to keep our work going.

I don't know if you belong to a local rod and gun club, a hunting lodge or the N.R.A. But I do know that no other group in the country is doing the things I'm writing to you about today.

I personally belong to a local gun club and the N.R.A. and I also support our work with my financial contributions.

I'm asking you to help me help you. And you can help me most by sending me your check for $10 today.

Now I suggested $10, but if you feel that finances will allow you to send more, please do so.

Gun confiscation is a real possibility unless we all work together.

Sincerely,

Alan M. Gottlieb

Alan Gottlieb
President

P.S. Remember, if you do not feel you want to participate in the survey, feel free to destroy the poll or return it to me.

STUDENTS' RIGHTS

Are any of the following acts not prohibited by law in Wisconsin?

1. Removing a road sign
2. Marking rest room walls
3. Hazing or initiating a student
4. Passive resistance, such as going limp, while being arrested
5. Hitchhiking
6. Trespassing
7. Party-crashing
8. Joining as a curious bystander a crowd which is trashing
9. Receiving or buying stolen goods.
10. Writing a check without funds to cover it
11. Borrowing a car for 15 minutes without knowledge of owner
12. Failure to remain at accident scene
13. Entering a home in order to take a bottle of wine seen lying on a porch table but getting scared off before reaching the table
14. Using slugs in a vending machine
15. Congregating with others in a public street and refusing to move when ordered by police.
16. Failure to aid a policeman in need
17. Giving alcoholic beverages to anyone under 18
18. Misrepresenting age to obtain alcoholic beverages
19. Possession of a switchblade knife
20. Failure to assist in fire-fighting
21. Eating at a drive-in and not paying
22. Filing a fraudulent insurance claim
23. Participating in a bomb scare
24. Dropping gum on a shopping center parking lot
25. Talking to others about taking a stereo cassette from a parked unlocked car
26. Possession of a pistol
27. Tying a boat to a railroad bridge while fishing
28. Setting a spring gun to protect a summer cottage
29. Target shooting with a .22 while drinking beer
30. Discarding an old sofa at a curb on top of a fire hydrant
31. Bet a six-pack that the Packers win their division
32. Purchase a pair of jeans the pockets of which are small American flags
33. Call a random number at 2:00 a.m. and hang up as soon as the person answers
34. Leave an empty beer can on a beach
35. Making a long-distance call and charging it to a randomly selected number

--Project Inquiry Instructional Materials, p. 14

STUDENTS' RIGHTS

Are any of the following acts not prohibited by law in Wisconsin?

1. Removing a road sign - 941.03 (1); up to $2,000 and/or 10 years if an unreasonable risk results
2. Marking rest room walls - 943.01 (1); up to $200 and/or 6 months
3. Hazing or initiating a student - 941.33; up to $200 and/or 60 days
4. Passive resistance, such as going limp, while being arrested - 946.41, statute unclear; up to $500 and/or one year
5. Hitchhiking - 346.29 (1); up to $20 for first offense, minimum of $2
6. Trespassing - 943.13; up to $50 or 30 days
7. Party-crashing - 943.14; up to $200 and/or 6 months
8. Joining as a curious bystander a crowd which is trashing - 947.06; up to $500 and/or one year
9. Receiving or buying stolen goods - 943.34; up to $200 and/or 6 months if item worth under $100 (if intentional)
10. Writing a check without funds to cover it - 943.24; up to $1,000 and/or one year
11. Borrowing a car for 15 minutes without knowledge of owner - 943.23; up to $1,000 and/or five years
12. Failure to remain at accident scene - 346.67; if property damage only, up to $200 and/or 6 months, if injury, up to $5,000 and/or one year
13. Entering a home in order to take a bottle of wine seen lying on a porch table but getting scared off before reaching table - 943.10 (1); up to 10 years
14. Using slugs in a vending machine - 943.22; up to $50 and/or 60 days
15. Congregating with others in a public street and refusing to move when ordered by police - 947.01; up to $200 and/or 90 days, (Disorderly Conduct); 947.06 (3); up to $500 and/or one year
16. Failure to aid a policeman in need - 946.40; up to $100, when requested
17. Giving alcoholic beverages to anyone under 18 - 947.15; up to $500 and/or one year
18. Misrepresenting age to obtain alcoholic beverages - 176.31; up to $100 and/or 10 days, plus suspension of driver's license
19. Possession of a switchblade knife - 941.24; up to $500 and/or one year
20. Failure to assist in fire-fighting - 941.12; up to $50 and/or 30 days, when requested
21. Eating at a drive-in and not paying - 943.21 (1); up to $500 and.or 6 months
22. Filing a fraudulent insurance claim - 943.395; minimum of $100 and/or 30 days
23. Participating in a bomb scare - 947.015; up to $1,000 and/or one year
24. Dropping gum on a shopping center parking lot - 346.94 (6); $50 each offense
25. Talking to others about taking a stero cassette from parked, unlocked car - 939.31 regarding conspiracy, and 939.05 (2) (c) regarding withdrawal
26. Possession of a pistol - if by a minor not under adult supervision, 941.22 (1) up to $500 and/or one year
27. Tying a boat to a railroad bridge while fishing - 941.04 (1) (a) up to $1,000 or 30 days

28. Setting a spring gun to protect a summer cottage - 941.20 (2) (b) up to $1,000 and/or 3 years. Reference might be made here to the recent Iowa case where a thief, shot by a spring gun, recovered $30,000 from an elderly farm couple. Katko v. Briney, 183 N.W. 2d 657, 47 ALR 3d 624 (Iowa, 1971).
29. Target shooting with a .22 while drinking beer - 941.20 (1) (b) up to $200 and/or 6 months
30. Discarding an old sofa at a curb on top of a fire hydrant - 941.12 (2) up to $50 and/or 30 days.
31. Bet a six-pack that the Packers win their division - 945.02 (1) up to $500 and/or 6 months
32. Purchase a pair of jeans the pockets of which are small American flags - 946.06 up to $500 and/or one year (statute vague).
33. Call a random number at 2:00 a.m. and hang up as soon as the person answers - 947.01 (2) up to $200 and/or 90 days
34. Leave an empty beer can on a beach - 947.047 up to $2,000 and/or 30 days
35. Making a long-distance phone call and charging it to a randomly selected number - 943.45 (1) (a) up to $200 and/or 6 months

ACCEPTABILITY OF DEFENSES FOR A CRIME

Defense	Acceptability
1. Self defense	sometimes
2. Insanity	yes
3. Ignorance of laws	no
4. Ignorance or mistake as to all the facts	sometimes
5. Being a minor	no
6. Police entrapment	sometimes
7. Duress by another	sometimes
8. Selective enforcement by police	no
9. Forgiveness by victim	no
10. Intoxication	no
11. Under drug influence	sometimes
12. Religious belief resulted in the act	sometimes
13. Restitution	no
14. Alibi	sometimes

Criminal Procedure

References: Chapter 939, 940, and 968, Excerpts From The Wisconsin Statutes and a dictionary.

Procedure: Open Book Reading Test

Instructions: Read Chapter 939. Answer Yes or No

Yes or No

_____1. 939.03 A person is subject to prosecution in Wisconsin if he commits a crime which takes place in Wisconsin.

_____2. 939.03 If a person steals property in another state and brings it into Wisconsin, is he subject to prosecution in Wisconsin?

_____3. 939.03 The word "jurisdiction" implies to some degree government control over an individual.

_____4. 939.05 A person must commit a crime himself in order to be considered a party to the crime. Prove your answer by writing a short statement in support of your YES or NO answer. _____

_____

_____5. 939.12 Opinion Statement - Under definition number 10, the hair straightener or comb used by many Blacks could be considered a "dangerous weapon." Indicate your opinion. _____

_____

_____6. 939.12 If you are required to pay a $5.00 fine for a municipal parking ordinance violation, you have committed a crime.

_____7. 939.22 Some "peace officers" may be limited by law with respect to the crimes for which they have a duty to make arrests.

_____8. 939.60 There are two classifications of crimes.

_____9. 939.61 A penalty expressed in the statutes is the only form of penalty allowable in the State of Wisconsin. (Dictionary will aid you in determining what common law is.)

_____10. 939.62 A person may receive a greater punishment for a crime if he has previously been convicted of other crimes. Why? _____

_____

_____11. 939.65 An act can be the basis for prosecution under no more than one statute at a time.

_____12. 939.66 (5) A man may be charged with battery and rape at the same time for the same act.

_____13. 939.70 Once charged with a crime, a person must consider himself under the obligation to prove his innocence.

_____14. 939.74 (1,2,3) If a man allegedly murdered his wife on January 1, 1960, he may be prosecuted on December 30, 1967.

_____15. 939.74 A prosecution is said to have commenced when the trial occurs.

_____16. 939.74 When computing the time within which the prosecution for a crime must be commenced, the time the defendant spent out of the state of Wisconsin should be counted.

PROCEED TO CHAPTER 940

_____17. 940.01 If a murder is committed when the intent of the action was a robbery, first degree murder can not be the charge.

_____18. 940.02, 940.05, 940.06 and 940.08 Opinion Question - Logic of thought desired in space after statement. Speeding along a side street at 80 m.p.h. with his stolen car, a 16 year old car thief strikes and kills an elderly woman. This is second degree murder.

_____

_____

_____

_____19. 940.03 In the case of third degree murder, the primary basis for this classification relates to the occurrence of another felony.

_____20. 940.03 If a man commits homicide during the occurrence of another felony, two trials are necessary; one for the homicide and one for the other felony.

_____21. 940.05 The punishments for First Degree, Second Degree and Manslaughter are the same. State your reasons. _____

_____

_____22. 940.02 and 940.03 and 940.05 Self defense is Second Degree Murder.

_____23. 940.05 and 940.06 Actions during a tornado which resulted in unintentional death of another human constitutes Homicide by reckless conduct.

_____24. 940.06 Gross Negligence was a term used in Criminal law in the State of Wisconsin and is presently not prosecuted as such.

_____25. 940.07 Man has an obligation to control animals who have the propensity to commit an act which could result in death to a human.

_____26. 940.08 Opinion Question - The state legislature has instituted the correct penalty ($1,000 fine/or not more than one year in county jail) in the areas of auto use and weapon use in a negligent manner. Give your thoughts as a state legislator. _____

_____

_____

_____

_____27. 940.09 The penalty for Homicide when the accused is under the influence of an intoxicant is less than if he is not under the influence.

PROCEED TO CHAPTER 968

_____28. 968.01 When a complaint is issued, it may be oral.

_____29. 968.02 The police only have the final right to issue a complaint and the District Attorney has nothing to do with this aspect of Due Process.

_____30. 968.02 (3) A District Attorney who does not issue a complaint in a particular case has the final authority and thus the complaint is never issued.

_____31. 968.04 When issuing a warrant, absolute and undisputable proof that the person in the warrant has committed the crime is necessary. Give your logic: _____

_____

_____32. 968.04 (1a) A person may never be arrested unless there is a written warrant for this arrest.

_____33. 968.04 (2a) A Summons and a Warrant are similar but not the same.

_____34. 968.04 (3a) In any warrant issued, it is not necessary to know the name of the person to be arrested.

_____35. 968.07 (2) In the State vs. Di Maggio case, it was decided that in order for an officer to make an arrest, the officer must have enough evidence for a conviction.

--Justice and You,
pp. 116-18

Appendix 16

Developed by:
Paula Reiton
Legal Education
Milwaukee Public Schools

INTERPRETING THE CRIMINAL STATUTES

DIRECTIONS:

1. Carefully read the facts presented in each case.
2. Decide if a criminal offense has occurred. If not, explain.
3. Classify the offense as a crime against person or bodily security/property/reputation or civil liberties/public safety.
4. Decide what the correct charge should be for each set of circumstances that involves criminal activity. Cite the Statute Number and Correct Terms.

1. Jack the Ripper forces a passerby into the nearby alley, threatens him by holding a knife to his throat, and demands his money. The victim struggles and the knife slits his throat. The victim later dies of the injury sustained.

_____

2. Jack Jones is playing frisbee with some friends in a vacant lot. As he chases a particularly wild throw, he keeps his eye on the frisbee and collides with a very small young girl. He knocks her to the ground and she suffers a slight concussion and fractured ribs due to the impact.

_____

3. Mrs. Straightlace comes home one evening from ceramics class to find her husband romantically involved with a very attractive neighbor. Mrs. Straightlace begins to scream, curse, and throw things around the room. She then picks up a kitchen knife and lunges at her husband. He later dies.

_____

4. Mary Smith rents a car from Hertz and pays for it in advance. After the week is over, she does not return the car and, despite repeated calls to her from the Hertz agency, she does not bring the car back. Three weeks pass in this fashion.

_____

5. Harry Hunter is cleaning his rifle in the backyard of his home which borders on a school playground. It is Saturday and a few children are using the playground. Harry decides to test out the gun once he has cleaned it, and he lines up a few empty beer cans. Confident that he is a good shot (he holds several medals from the Rifle Club tournaments) he aims. One of the bullets, instead of piercing the beer can, ricochets off it into the playground nearby and strikes a young child. The child is seriously injured. The experts agree that the incident is a freak situation.

_____

6. Sam, the owner of a hardware store, is quite despondent about the loss of business he has suffered due to the competition from the new chain stores that have recently entered the area. He sets fire to his store, feeling that the only way he can recover his losses is to collect the maximum on his insurance policy.

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7. Bad Borton breaks into a house and makes off with the television set. No one is home, but as he is entering his van he is apprehended by the police on their local rounds. Upon being frisked a four-inch knife is found on him as well.

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8. Horrible Hannah shoves the old neighbor lady and then makes off with the lady's purse containing 15 dollars.

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9. Fancy Fran enters a large department store, tries on several dresses in the fitting room, swaps price tags so that the dress she wants will cost twenty dollars less, and then proceeds to the cash register to pay.

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10. Miserable Maureen has just seen her former boyfriend having an absolutely wonderful time with his new and very pretty girlfriend. At the party which they are all attending, Maureen kept drinking to drown her sorrows. On the way home, she lost control of the car and collided head-on with the vehicle approaching from the opposite direction. The passenger in the oncoming auto was killed.

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11. John and Mary are very "hip" and decide that marriage is not "their thing". They therefore live together and let it be known to their neighbors that they have no intention of getting married because they don't "buy the system". The landlord calls the police.

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12. Hasseled Harold is on the witness stand and is being questioned about an armed robbery. He denies having seen the incident in question because if his wife, who is in the courtroom being a good supportive wife, finds out that he did indeed witness the armed robbery she will also find out that he was with another woman instead of playing cards that evening. He probably would not have seen the robbery if he had walked down the street a few minutes sooner.

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13. Mark Mechanic is closing up his garage for the night when a young boy wanders in the side door while Mark is out front turning off the lights and locking the gas pumps. Mark goes back into the garage, looks around, shuts off the interior lights and at the same time pushes the switch that lowers the lift. The young child is found crushed there the next morning.

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14. Oppressed Oscar decides to burn down the school in return for all the sixteen years he has "suffered" there. He waits until it is late at night to be sure that no one is in the building. He then ignites the blaze. Unknown to Oscar, his gym teacher has fallen asleep after the game and remained in the locker room. The teacher w killed in the blaze.

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15. Jack Jones climbs to the top of a high-rise building and begins to snipe wildly into the crowd below with his high-powered rifle. Several persons are killed.

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16. Jack Bolder enters a liquor store and, keeping his hand in his pocket, orders the clerk to hand over the money or "he will blast him full of holes". The clerk is frightened and hands over the money. When Jack is arrested as he is running out the back alley, it is discovered that he has no weapon in his pocket

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17. Four men become involved in a bar room brawl. One of them breaks a chair over another's head. The man later dies of the injuries sustained during the incide

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18. Mary Moocher borrows her friend's stereo and refuses to return it after repeatedly being asked to do so by her friend. Mary claims that "possession is nine-tenths of the law".

State of Wisconsin, County Court, Price County

STATE OF WISCONSIN,

Plaintiff,

vs.

Fast Eddie
Phillips, Wisconsin 54555
Address, Defendant.

CRIMINAL COMPLAINT AND SUMMONS ISSUED BY DISTRICT ATTORNEY

File No. _____

Sweet Mary, being first duly sworn, on oath says that on January 1, 1977, at Park Falls, Wisconsin, in said County, ~~the defendant did~~ the complainant, Sweet Mary, has born a child out of wedlock and that the defendant, Fast Eddie, is the father of said child, Little Mary. The child was born January 1, 1977.

SAMPLE FORM

contrary to Section 52.25, Wis. Stats., and prays that said defendant be dealt with according to law; and that the basis for the complainant's charge of such offense is:

Personal knowledge of this complainant, she being the natural mother of the child born out of wedlock; and personal knowledge of this complainant that the child was born January 1, 1977 and that the defendant, Fast Eddie is the father of said child.

Subscribed and sworn to before me on

_____
District Attorney

Approved for filing _____
District Attorney

Sweet Mary Complainant

71

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SUMMONS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

The original of the above Complaint having been issued, accusing the defendant of committing the crime of paternity of a child born out of wedlock, contrary to Section 52.25.

You are, therefore, summoned to appear before ~~XXXXXXXXXX~~ the County Court of Price County at the Courthouse in the City of Phillips, to answer said Complaint, on _____ at _____ M., and in case of your failure to appear, a warrant for your arrest may be issued.

Dated _____

_____
District Attorney

No. CF-1 (Rev. 6-1-70) CRIMINAL COMPLAINT AND SUMMONS ISSUED BY DISTRICT ATTORNEY 968.01, 968.02, 968.04 Wis. Stats. H. C. Miller Co., Milwaukee

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HOW CAN YOU HELP REDUCE CRIME?

1. If you saw one of the following kinds of crimes being committed, how would you react?

	Try to Stop it	Give Chase	Call Police	Do Nothing	Tell Someone
shoplifting					
burglary					
auto theft					
mugging					
gang fights					
extortion of money					
armed robbery					
rape					
child beating by parent					
drug sales					
sale of stolen goods					
school vandalism					

2. If any or all of the crimes listed above occur regularly in your school or neighborhood, would you be willing to:

   a. join a group trying to reduce these crimes
   b. quietly support such a group

3. Whose responsibility do you believe it is to try and reduce crime in your community? (check one or more of the choices)

   a. police
   b. adults
   c. young people
   d. all three

4. In what ways can the police do a better job working with the youth of your community?

   RANK ORDER the following suggestions from most important (No. 1) to least important (No. 10) according to your personal preferences. Be prepared to give reasons for your ranking.

The Police Should:	Rank
Set up a police ride-along program for teenagers;	_____
Spend more time investigating crimes committed by students at school;	_____
Set up police patrols on school campuses to better protect students and school property;	_____
Stop harassing youth;	_____
Spend more time trying to reduce youth gang violence;	_____
Enforce anti-pornography laws more strictly;	_____
Be willing to participate in youth-police rap sessions;	_____
Organize police-sponsored youth clubs, sports activities, etc.;	_____
Provide better protection for young people going to and from school;	_____
Place undercover narcotics officers on school campuses.	_____

--Bill of Rights in Action, Vol. IX, No. 1, Feb. 1977, p. 2.

Appendix 19

Date: _____

Starting Time: _____

ADVICE OF RIGHTS

I, _____ hereby state that I have been advised by _____ who has identified himself as _____ of the following legal rights.

1. I have the right to remain silent.
2. Anything I say can and will be used against me in a court of law.
3. I have the right to talk to a lawyer and have him present with me while I am being questioned.
4. If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning, if I wish.
5. I can decide at any time to exercise these rights and not answer any questions or make any statements.

I have been advised and read the above rights and I understand what my rights are.

_____ Witness

Dated: _____

_____ Witness

_____ Signature of person advised of above rights

1. Do you understand each of these rights I have explained to you?

YES NO (circle answer and initial)

2. Having these rights in mind, do you wish to talk to us now?

YES NO (circle answer and initial)

I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Age: _____ Signed _____

STATE OF WISCONSIN }
COUNTY OF PRICE } ss.

I, ..., give the following voluntary statement and realize that this statement might be used in court:

I was born on the ..... day of ....., 19..... and am now ..... of age.

My address is .....

My parents names are ..... and ..... and they reside at .....

I have read this statement and sign below as indication that what I have said herein is the truth, insofar as I can remember. I am acting of my own free will and no threats or promises have been made to persuade me to give this statement.

.....

Signed before me

This.....day of....., 19.....

.....
Police Officer

.....

CASE NO.	WARRANT NO.

The State of Wisconsin, Plaintiff,
v.

Defendant(s).

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

CRIMINAL WARRANT

CRIME(S)

STATUTE(S) VIOLATED

COMPLAINING WITNESS

FELONY WARRANT

I arrested the named Defendant on

_____, 197__, at

_____M., at _____

_____

_____ (address), city/village of

_____ Wisconsin,

by virtue of this warrant.

_____

Law Enforcement Officer—Name & Title

Fees: Service---$ _____

Travel---$ _____

Total-----$ _____

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

A Complaint, copy of which is attached, having been filed with me, accusing the Defendant(s) of committing the above stated crime(s) contrary to the above stated statutory section(s) of the Wisconsin statutes, I find that probable cause exists that the crime(s) was/were committed by the Defendant(s).

You are, therefore, commanded to arrest and bring the named Defendant before a presiding Judge of the Circuit Court, Criminal Division of Milwaukee County, or, if he is not available, before any acting Judge of the Circuit Court, Criminal Division of said County.

Dated _____

_____

Court Commissioner as Judge

ORIGINAL FELONY WARRANT

6062

QUIZ ON TERMS

a. civil case
b. due process of law
c. testimony
d. judicial review
e. criminal law
f. statutory law
g. adversary system
h. appeal
i. subpoena
j. district court
k. defendant
l. jury
m. appeal
n. majority opinion
o. counsel

_____ 1. Stated court procedures that must be followed in all cases

_____ 2. The person accused of wrongdoing

_____ 3. A lawyer or attorney

_____ 4. Lawyers argue the case for the court

_____ 5. Laws passed by Congress

_____ 6. A group of persons selected from the area to decide a case

_____ 7. The statements of witnesses at a trial

_____ 8. A request of a higher court to hear a case

_____ 9. The statement reflecting most of the judge's ideas on a case

_____10. The lowest federal court

_____11. A legal document requiring a person to appear in court

_____12. A court order authorizing police to enter a home

_____13. The Supreme Court can declare a law constitutional or unconstitutional

_____14. A case between the state and an individual

_____15. A case between individuals